



UNITED STATES MARINE CORPS
MARINE CORPS AIR STATION
POSTAL SERVICE CENTER BOX 8003
CHERRY POINT, NORTH CAROLINA 28533-0003

AirStaO 4066.5C
MCCS
11 Apr 2002

AIR STATION ORDER 4066.5C

From: Commanding General, Marine Corps Air Station, Cherry Point
To: Distribution List

Subj: ABUSE OF MARINE CORPS EXCHANGE (MCX) PRIVILEGES

Ref: (a) MCO P1700.27A
(b) AirStaO 5370.2E
(c) MCO P5512.11B

1. Situation. Abuses of MCX (these include all buildings containing retail establishments managed directly by MCCS, on board Marine Corps Air Station, Cherry Point, and its outlying fields) privileges, including theft, occur regularly. Abuse of MCX privileges is an act, or an attempt to commit an act, alone or in concert with another which violates any law, rule, instruction, Order or regulation pertaining to the possession or use of the Armed Forces Identification Card, (DD Form 2 (Active Duty/Retired)), the Uniform Services Identification and Privileges Card (DD Form 1173 (Family Member)), Armed Forces Exchange Services Identification and Privilege Card (DD Form 2574), or governing the acquisition, possession, use, sale, or disposition of MCX property.

2. Cancellation. AirStaO 4066.5B.

3. Mission. To establish uniform procedures to be followed in situations involving suspected abuse of MCX privileges, and to make provisions for expeditious disposition of alleged abuse.

4. Execution

a. Commander's Intent and Concept of Operations

(1) Commander's Intent. Reference (a) requires, in part, that the Head of Retail show affirmatively that due care and diligence is exercised to prevent loss of MCX funds and property.

(2) Concept of Operations

(a) Reports of suspected acts of abuse of MCX privileges, together with any resulting investigations, will be

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forwarded to the Station Inspector, the suspect's Commanding Officer, and the Staff Judge Advocate, and in the case of suspected abuse by a civilian, to the Special Assistant U. S. Attorney (SAUSA).

(b) In cases of abuse by a Marine's family member or family members of other services, a report of the incident will be made by Marine Corps Community Services' (MCCS) management personnel recommending appropriate action by the sponsoring service headquarters, i.e. Department of the Navy, Department of the Army, etc. In each case of suspected abuse, the incident will be reported to the Provost Marshal Office (PMO) for action as deemed appropriate.

(c) MCX privileges may be suspended when the Commanding General has determined that a person has abused such privileges.

(d) Reference (b) indicates that shoplifting and check abuse should be grounds for suspension of the use of Commissary and MCX privileges and may result in ceremonial action taken against the alleged suspect. Suspension will be for a period of one year or until expiration of active service (EAS) of the service member or sponsor, whichever is earlier.

(e) In cases where there is serious abuse, these offenses may result in other administrative and/or punitive actions against the perpetrator.

(f) An inquiry will be conducted by MCCS management personnel to determine whether an offense occurred. If after this inquiry it is determined that an offense was committed, the following actions will be taken:

1 In cases of individuals who are not minors, an immediate report will be made to PMO requesting that military police be dispatched to take custody of the suspect. An MCCS Retail Manager or an MCCS Retail Store Detective shall remain with the suspect until he or she is in the custody of the military police. A photograph of all items of evidence in his or her possession will be turned over to the military police. If the suspect is subject to the Uniform Code of Military Justice (UCMJ), an individual of superior rank, if available, should remain with the suspect until he/she is taken into custody by military police. In the event that the individual is a civilian, the suspect will be apprehended and questioned in accordance with all applicable Federal law and treated on accordingly.

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2 In the case of individuals who are minors (under 18 years of age), a telephone call will be made to PMO who will, in turn, contact the parents. Where abusers are considered minor, notification to the parents to escort their family member out of the MCX will suffice. A copy of witnesses' statement(s) will then be forwarded to PMO, where an incident report will be accomplished.

3 In cases involving shoplifting or check abuse, military police will confiscate the Uniformed Services Identification and Privilege Card or Armed Forces Identification Card of the suspect in accordance with reference (c). If the suspect is a service member of another service or is the family member of another service member, the Identification Card will not be confiscated but a photocopy will be made and retained as evidence. However, investigators shall make photocopies of suspects' military or DOD identification cards in any case where the card is not confiscated.

4 The Provost Marshal shall be responsible for custody of the suspect and investigation of the incident. Dependent upon the monetary value, the Provost Marshal may turn the suspect over to the Naval Criminal Investigative Service (NCIS). Military police will be given a photograph of all evidence from an MCX activity in the course of the investigation, specifically detailing items of MCX merchandise.

b. Coordinating Instructions

(1) An employee who is a commissioned officer, warrant officer, noncommissioned officer, and when in the execution of guard or police duties, military police, or such person as is designated by proper authority to perform guard or police duties may apprehend and search military personnel if they have a reasonable belief that larceny has been committed by the suspect; reasonable force may be used to effect such an apprehension. All other employees may only detain a suspected shoplifter until either a determination is made that no offense was committed or the suspect is surrendered to a law enforcement officer (Provost Marshal official). Reasonable force may be used to effect such a detention. However, these employees are not to search suspects incident to detention unless the employee has a reasonable belief that a search is necessary for the employee's protection. The following procedures will be employed in effecting the apprehension or detention of a suspect.

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(2) Civilian and military employees, at the rank of corporal and below or its equivalent, should normally request the assistance of a manager and proper law enforcement authority in detaining a military suspect.

(3) An MCCS Retail Store Detective may detain any suspect if he/she has a reasonable belief that there is criminal activity afoot. This detention must be of reasonable duration to be justified as an investigative stop. The suspect will either be released or surrendered to a law enforcement officer. An MCCS Retail Store Detective may use reasonable force to detain the suspect. If a suspect is released without being surrendered to law enforcement, then a statement must be accomplished by the detective explaining all the facts of detention. The detective should not conduct a complete search of the suspect unless such a search is reasonably necessary for the detective's protection. The detective may conduct "pat-down" searches if the detective deems such a limited search necessary for self-protection. The detective who detains a military suspect should, as soon as practical, seek the assistance of a manager or the military police.

(4) No one effecting an apprehension or detention of a member of the opposite sex will search or frisk the person or the suspect unless there is an immediate clear and present danger of physical injury to the individual effecting the apprehension or detention. If a member of the opposite sex is detained, then a member of the detainee's sex should immediately be summoned as a witness (another employee, patron, etc.).

(5) Responsibility of the Sponsor. Upon completion of the period of suspension, written application for restoration of the privileges may be made to the Commanding General. In the case of a minor family member, the sponsor may submit such written application.

(6) Restoration of Privileges. Upon completion of the period of suspension, written application for restoration of the privileges may be made to the Commanding General (Code: INS). In the case of a minor family member, the sponsor may submit such written application.

5. Administration and Logistics. This Order has been coordinated with and concurred on by the Station Inspector, NCIS, PMO, JLC, and the Commissary.

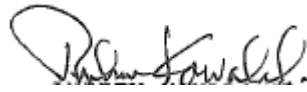
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6. Command and Signal

a. Signal. This Order is effective the date signed.

b. Command. This Order is applicable to the Marine Corps Reserve.

A handwritten signature in dark ink, appearing to read "Andrew Kowalski", is written over a horizontal line.

ANDREW KOWALSKI
Chief of Staff

DISTRIBUTION: A